

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 3, 1953
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by FATHER McDONALD, St. Austin's Church.

Councilman White moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

MR. CHAS. NASH, Capitol Area Farm and Ranch Club, asked permission to have a midway at their Live Stock Show February 22, to February 27th, and asked permission to put up a fence at their expense, take it down, and fill up the holes. The City Manager stated the Club had agreed to leave the property in the same condition as when they started. Councilman Long moved the Capitol Area Farm and Ranch Club be granted permission to use the premises (the Coliseum and area up to Disch Field) as outlined by Mr. Nash in accordance with Mr. Seaholm's plans. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Maggie Young has made application in writing for permission to operate in her residence a day nursery school, complying with all City and State regulations, on Lot K, Outlot 67, Division D, in the City of Austin, Travis County, Texas, the same being on the west side of Rio Grande Street and

locally known as 2816 Rio Grande Street, which property is located in an "A" Residence District and under Section #4, Item 13a of the Zoning Ordinance requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the operation of a day nursery school at the location described above be granted to Mrs. Maggie Young.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Fred H. Matthys has made application in writing for permission to operate in her residence a day nursery school, complying with all City and State regulations, on Lot 9, Block D, in Highland Park in the City of Austin, Travis County, Texas, the same being on the east side of Highland Terrace and locally known as 4605 Highland Terrace, which property is located in an "A" Residence District and under Section #4, Item 13a of the Zoning Ordinance requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the operation of a day nursery school at the location described above be granted to Mrs. Fred H. Matthys.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Council received a petition submitted by MR. C. L. JONES protesting locating a nursery school at 1027 Ellingson Lane as requested by MRS. JOHNNIE ANDERSON. The Council deferred action on this request until the following week in order to better acquaint themselves with the particular problem.

The Council had before it for reconsideration the following zoning application:

SAM WILLIAMS and
MARVIN E. JOHNSON

4811-17 and 4819
Airport Blvd.

From "A" Residence
To "C" Commercial 6th
Height and Area
RECOMMENDED by the Plan-
ning Commission

MR. GIBSON RANDLE represented opposition and pointed out deed restrictions in the property. Discussion was also held on the size of the lot and size of building permitted under 6th Height and Area. The Mayor asked that those who favored affirming the recommendation of the Planning Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the change had been granted, and that the City Attorney would draw the necessary ordinance.

The Council had before it for consideration the following original zoning:

AREA 8 - Industrial Area - east of old city limit line north of Colorado River to Jain Lane to "A" 1st Height and Area, on "A", "B", & "C" Districts, and "D" on the industrial districts.

The recommendation from the City Planning Commission recorded in full in the Minutes of October 22, 1953. Councilman Long moved that the recommendation of the Planning Commission be amended to drop that interim wedge on down to East 7th Street taking in this vacant area known as the Petri tract, making it a part of the original plan, "A" Residence. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long moved that the 200' change to "D" be made in compliance with the lines set out in this proposed ordinance and by the City Attorney (200' west of Airport Blvd. from Bolm Road to intersection of East 7th Street). The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden
Noes: Councilman Thompson

The Council had before it the supplemental recommendation of the Planning Commission presented November 25:

"This is to advise that your City Planning Commission has considered the individual request of Mr. and Mrs. Scotty Childress, lessees, for "C-1" Original Zoning for property located west of the intersection of East 1st and East 7th Streets and on the north side of the intersection of East 1st and East 5th Streets.

"The Commission considered the following factors in arriving at its conclusions:

- "1. This property is in the middle of a section of Area 8 which has been previously recommended for a "D" Industrial classification in the establishing of Original Zoning.
- "2. There is an established tourist court and cafe located on this property which serve the existing industrial activity around it.

- "3. A commercial classification of a part of the area recommended for industrial would not permit the establishment of uses which are incompatible with industrial development.
- "4. A "C-1" classification on this property would be at considerable distance from the residential district as submitted and proposed in the Commission's prior recommendations for Original Zoning in Area 8.

"The Commission has approached this matter entirely and solely from the standpoint of land use zoning and its relationship to the ultimate development of the property in question and its effects on the surrounding area. While the Commission recognizes that there may be other factors which should be considered before action is taken by the City Council on this request, it has not found any reasons from the standpoint of land use zoning why the establishment of this property as a "C-1" classification in the interior of a "D" Industrial classification should be granted.

It was recommended that the City Council in establishing the Original Zoning for Area 8 that the property of Jack H. Key as described above be established as a "C-1" Commercial Original Zoning."

The Mayor asked that those who favored affirming the supplemental recommendation of the Planning Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilman Pearson, Mayor McAden
Noes: Councilmen Long, Thompson, White

The Mayor announced that the supplemental recommendation of the Planning Commission failed to carry.

Councilman Long moved that the original recommendation of the Planning Commission as amended by the Council this morning be adopted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the original zoning of AREA 8 had been zoned as recommended by the Planning Commission and as amended this morning, and the City Attorney was instructed to draw up the necessary ordinance.

The Council had before it for consideration the following recommendation of the Planning Commission:

AREA 6 - South Austin: Original Zoning

"The south Austin Area consists of a very large tract of land extending east and west across the former South City boundary, and then south to include most of the major developments in South Austin. This area is generally bounded on the east by South Congress Avenue and on the west by South Lamar Boulevard

and Manchaca Road. The I. & G.N. Railroad is located approximately midway between the two major north-south streets. Existing land use immediately to the east and west of South Congress Avenue is established as retail and commercial. Retail uses are also located at the intersection of South First and Radam Lane, on the north side of Fort View between Banister and Manchaca Road and at the intersection of Manchaca Road with South Lamar Boulevard and on the east side of South Lamar Boulevard extending north. The remainder of this large district is either vacant or developed with residential, single family homes. The property immediately adjoining the railroad is generally vacant.

"The Planning Department received contacts from fourteen property owners from this area concerning the original zoning of their properties. Each of these owners were individually notified and thirteen appeared and spoke before the Planning Commission. Careful consideration was given their request with due regards to the need of the people of the City and of this community, and to the future Master Planning Developments. Reports concerning available water, sewer and street planning were obtained and presented from the Public Works Department and from the Water Department. Several members of the Planning Commission personally toured the area with the Planning Department and thus visited the individual sites of pending requests. This completed, it was voted to recommend to the City Council that it establish for the section known as South Austin the following zoning classifications:

"(1) Use District "D" Industrial, Height and Area District Sixth, for property east of South Congress Avenue, from Woodward Street south to Industrial Boulevard.

"(2) Use District "C" Commercial, Height and Area Sixth, for one tier of lots immediately to the west and bordering on South Congress Avenue.

"(3) Use District "C" Commercial, Height and Area Sixth, for property at the northwest and southwest intersection of Radam Lane and South 1st Street; for property at the southwest intersection of Banister and Ft. View Road and at the northeast, southwest and northwest intersection of Manchaca Road and Allred Lane. A similar classification for property at the intersection of South Lamar Boulevard and Manchaca Road and for property east of South Lamar Boulevard between Manchaca Road and the former City Limit line.

"(4) Use District "B" Residential, Height and Area District Two, for the property known as 310 Radam Lane, and 500-508 Clarke Street.

"(5) Use District "A" Residential, Height and Area District First, for all remaining properties in this district not previously described.

Councilman Pearson moved that the Council uphold the recommendation of the Planning Commission on AREA 6 and zone it accordingly. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the original zoning of AREA 6 had been zoned as recommended by the Planning Commission and the City Attorney was instructed to draw up the necessary ordinance.

The Council had before it for consideration the following recommendation of the Planning Commission:

AREA 9 - East Austin: Original Zoning

"The East Austin Area is divided east and west of Springdale Road, the west being property generally between the former City Limit line and Springdale Road. The developments in this tract restrict themselves to property immediately adjacent to the few roads bisecting this area. East to west development is located on East 19th Street, East 12th Street, Rosewood Avenue and Goodwin Avenue, & from north to south the development is located on Airport Boulevard and Springdale Road. Commercial developments exist on the east and west Airport at 12th Street and at Springdale Road. It should be noted, however, that part of this area has been previously zoned by City Council action and that the majority of existing commercial developments already has a permanent business classification. Inspection reveals that the remainder of Tract Nine (9) is developed with single family homes which are occupied in part by Negroes. Lots in general are plotted in an irregular manner, and are in some cases occupied by dwellings substandard in construction.

"All interested property owners in this neighborhood were notified of the Public Hearing. Individual sites as well as the general area were inspected by both members of the Planning Commission and the Planning Department. A comprehensive study completed, it was voted to recommend to the City Council that it establish for that area known as Area Nine (9) East Austin the following zoning classifications:

"(1) Use District "C" Commercial, Height and Area District Sixth for property east and west of Airport Boulevard from 12th Street south of the intersection of Airport Boulevard and Rosewood and for the triangular tracts adjacent to Airport Boulevard at the intersection of Goodwin Avenue and Springdale Road.

"(2) Use District "A" Residential, Height and Area District First for the remainder of Area nine (9).

Councilman Pearson moved that the recommendation of the Planning Commission be adopted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the original zoning of AREA 9 had been zoned as recommended by the Planning Commission and the City Attorney was instructed to draw up the necessary ordinance.

The Council had before it for consideration the following recommendation of the Planning Commission:

AREA 10 - East Austin, East of Springdale Road: Original Zoning

"East Austin Area 10 embraces a strip of land north of the MK&T Railroad from Springdale Road east to the new City Boundary east of Teanehill Street. An established industrial district developed with crude oil storage is located in the southwest corner of this area. North of the industrially developed property, the remainder of this district is composed of residential homes, the extreme north area being a colored neighborhood bordered on the south by a Latin American district.

"Some retail facilities exist at the intersection of Webberville Road and Eastfield Avenue. This property although located in the area annexed to the City has previously zoned commercial by Council action. The existing residential communities are characterized by a lack of continuity and are unrelated to any business development. The Planning Commission recognizes the necessity of neighborhood planning and discussed to great length the feasibility for development of community facilities on various tracts.

"Interested property owners in this district were notified at the public hearing and their individual and community problems were discussed by the Commission. Field inspections were again made by the Planning Department and Commission members. Hearing and inspections completed, it was voted to recommend to the City Council for that Area known as East Austin Area Ten (10) that they establish the following zoning classifications:

"(1) Use District "D" Industrial, Height and Area District Sixth on all property north of MK & T Railroad and east of Springdale Road presently owned and designed for oil storage.

"(2) Use District "C" Commercial, Height and Area Sixth: on property located at the southeast intersection of Ft. Branch Road and Webberville Road.

"(3) Use District "A" Residential, Height and Area District First: on all remaining property in this area.

Councilman Pearson moved that the recommendation of the Planning Commission be adopted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor MaAden
Noes: None

The Mayor announced the original zoning of AREA 10 had been zoned as recommended by the Planning Commission and the City Attorney was instructed to draw up the necessary ordinance.

Mayor McAden brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.89 ACRES OF LAND, SAME BEING ALL OF MANOR HILLS, SECTION 2, A SUBDIVISION OF A PORTION OF THE A. B. SPEAR SURVEY IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Western Waterproofing Company is the Contractor for the cleaning and waterproofing of a building located at 200 West 7th Street and desires a portion of the sidewalk and street space abutting Lot 6, Block 82, of the Original City of Austin, Travis County, Texas, during the cleaning and waterproofing of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Western Waterproofing Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 7th Street to a point 6 feet south of the property line; thence in an easterly direction and parallel to the centerline of West 7th Street approximately 46 feet to a point; thence in a northerly direction and at right angles to the centerline of West 7th Street to the southeast corner of the above described property;

Thence in an easterly direction and at right angles to the centerline of Colorado Street to a point 6 feet east of the east property line; thence in a northerly direction and parallel with the centerline of

Colorado Street approximately 128 feet to a point; thence in a westerly direction and at right angles to the centerline of Colorado Street to the northeast corner of the above described property;

Thence in a northerly direction and at right angles to the centerline of West 7th Street Alley to a point 6 feet north of the north property line; thence in a westerly direction and parallel with the centerline of West 7th Street Alley approximately 46 feet; thence in a southerly direction and at right angles to the centerline of West 7th Street Alley 6 feet to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Western Waterproofing Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a four-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least four feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement with the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That "NO PARKING" signs shall be placed on the street side of the barricades.

(3). That the Contractor shall in no way obstruct any fire plugs of other public utilities in the construction of such barricades.

(4). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street had ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than January 1, 1954.

(7). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(9). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(10). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse or the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Logg offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving liens on Lots Nos. 1, 2, 3, 4, 5, and 6, in Wimberley Addition; that property described in the Deed recorded in Volume 593, page 79, Deed Records of Travis County, Texas; and that property described in the deed recorded in Volume 605, at page 313, of the Deed Records of Travis County, Texas, upon the payment in full of the paving assessments against such properties by J. B. Branton, the apparent owner.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SUBSECTION (a) OF SECTION 23 OF ARTICLE IV RELATING TO LOADING ZONE LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND

SUSPENDING THE RULE REQUIRING THE READING OF
ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 21(b) OF ARTICLE IV RELATING TO "NO PARKING AT ANY TIME" LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

MR. HERBERT SMART, Attorney representing MR. CARL STAUTZ, asked that the building code be amended to permit construction of Open type parking garage structures. They were interested in constructing this structure at 113 East 9th Street. Mr. Stautz explained the workings of the automatic parking facilities. Councilman Pearson moved that the City Manager be instructed to have the City Attorney bring in an amendment to the Building Code so as to permit this particular type of structure. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager presented the request of the Schools for permission to use a small area of city property on the Tarrytown Playground - Winsted Lane and Tower Drive on which they could build a six-room building for the primary grades. Councilman Thompson wanted to hear the attitude of the people in the neighborhood. Councilman Long wanted the people notified--those living adjacent to the park--that this is being considered. The City Manager stated other points would have to be brought out about the dedication of the property. The Councilman Long moved that the City Manager be instructed to see that the property owners are properly notified of this through the School Board, following investigation as to whether or not that property can be used for that purpose. (City property on Winsted Lane and Tower Drive). The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

MR. CARL SHOOTER appeared before the Council regarding an error he made in bidding on a house which the city had for sale. The City Manager stated Mr. Shooter had it confused with another and bid \$640. The other bid was \$76. He recommended that the Council cancel this bid on that particular item and refund his certified check. Councilman White moved that the Council authorize refunding this man his check owing to the confusion. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

MR. CHARLES SANDAHL, suggested auctioning property of this type, believing it would bring more than by sealed bids.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that in the operation of the sanitary sewerage system of the City of Austin, it is necessary to extend a sanitary sewer line across the land hereinafter described; and,

WHEREAS, it appears that the City of Austin, through its duly authorized representatives, has negotiated with the owner of said land and has failed to agree with said owner on the market value of an easement across said land; and,

WHEREAS, the City Council now finds that it is necessary for the City of Austin to acquire said easement through the exercise of the power of eminent domain; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all the owners and lienholders, a suit in eminent domain to acquire an easement for the limited purpose of placing and

maintaining a sanitary sewer line in, on and across the following described land:

A strip of land ten (10) feet in width, same being out of and a part of that certain portion of Block 6 of Driskill and Rainey Subdivision, a subdivision of a portion of Outlots 72 and 73, of Division E, of the Government Outlot adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlot on file in the General Land Office of the State of Texas, a map or plat of said Driskill and Rainey's Subdivision being of record in Book 1, at page 22, Plat Records of Travis County, Texas, which was conveyed to R. M. Bautista by warranty deed dated November 28, 1950 of record in Volume 1144, at page 412, Deed Records of Travis County, Texas, the centerline of said strip of land ten (10) feet in width being more particularly described by metes and bounds as follows:

BEGINNING at a point in the west line of the said Bautista tract and from which point of beginning the southwest corner of said Bautista tract bears S. 18° 38' W. 42.70 feet;

THENCE S. 7° 13' E. 47.50 feet to point of termination on the south line of the said Bautista tract and from which point of termination the aforementioned southwest corner of the said Bautista tract bears N. 71° 13' W. 20.29 feet, and such additional space as may be needed on each side of said ten (10) foot strip for temporary use as working space during the installation of said sanitary sewer.

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that in the operation of the sanitary sewerage system of the City of Austin, it is necessary to extend a sanitary sewer line across the land hereinafter described; and,

WHEREAS, it appears that the City of Austin, through its duly authorized representatives, has negotiated with the owner of said land and has failed to agree with said owner on the market value of an easement across said land; and,

WHEREAS, the City Council now finds that it is necessary for the City of Austin to acquire said easement through the exercise of the power of eminent domain; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all the owners and lienholders, a suit in eminent domain to acquire an easement for the limited purpose of placing and maintaining a sanitary sewer line in, on and across the following described land;

A strip of land ten (10') feet in width, same being out of and a part of a certain portion of Block 6 of Driskill and Rainey's Subdivision, a subdivision of part of Outlots 72 and 73 of Division E of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of said Driskill and Rainey's Subdivision being of record in Book 1, page 22, Plat Records of Travis County, Texas, and also being out of and a part of that certain strip of land formerly used as River Street and vacated by the City Council of the City of Austin by Ordinance dated November 5, 1886, which certain portion of said Block 6, and that certain portion of vacated River Street, together with other property, was conveyed to Max Silberstein and Sam Silberstein by warranty deed dated May 6, 1926, of record in Volume 388, at page 189, Deed Records of Travis County, Texas, the centerline of said strip of land ten (10') feet in width being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south line of a tract of land out of the said Block 6 conveyed by the said Max Silberstein and Sam Silberstein to R. M. Bautista by warranty deed dated November 28, 1950, of record in Volume 1144, at page 412, Deed Records of Travis County, Texas, and from which point of beginning the southwest corner of the said Bautista tract bears N. 71° 13' W. 20.29 feet;

THENCE S. 7° 13' E. 114.65 feet to a point of termination on the south line of the said Silberstein tract, and from which point of termination the southwest corner of the said Silberstein tract bears N. 71° 13' W. 70.74 feet;

and such additional space as may be needed on each side of said ten (10') foot strip for temporary use as working space during the installation of said sanitary sewer.

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager presented a recommendation of the Tax Assessor and Collector regarding the formulation of a policy of Administrative procedure to

regulate control and expedite the procedure of correcting mistakes upon the tax rolls, making adjustments in valuation and making refunds of over payments. Mr. T. B. Marshall was present to discuss this. The Mayor suggested further consideration on this matter, and no action was taken at this time. (On file in City Clerk's Office under - TAXES - Tax Roll, Tax Ratio, and Miscellaneous)

Councilman Long filed with the City Clerk the following statement and asked that it be put in the Minutes as official record:

"Flagrant violations of the City charter are revealed in the financial reports given the Council in connection with the new city budget.

"In three sections of Article VII, the Charter provides that no money is to be spent unless it has been appropriated by the Council. Sect. 2 (3) of Article VII says that "unless the Director of Finance shall certify that there is an unencumbered balance in the appropriation and funds available, no appropriation shall be encumbered and no expenditure shall be made." Section 7, Article VII says that "in no event shall the aggregate or departmental or agency allotments exceed the appropriation available to such departments or agencies during the fiscal year." Sect. 8 of Article VII says: "No funds of the city shall be expended nor shall any obligation for the expenditure of money be incurred except in pursuance of the annual or interim period appropriation ordinance provided by this charter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and may be re-appropriated by the City Council."

These Charter provisions are very clear. Yet the Manager's budget summary of 1953 expenditures shows these things:

On Page 9 of the revised 1954 budget, general fund operating expenditures are estimated to total \$5,997,613. The Council appropriated only \$5,827,444 for these purposes. Page 18 shows expected 1953 expenditures in the utility operating fund of \$2,430,951. Yet the Council has appropriated only \$2,292,202 for these purposes.

"Page 18 of the budget shows property additions to the Utility Fund during 1953 estimated to total \$2,008,681. The Council has appropriated only \$1,608,604 for this purpose.

"These three items show prospective over-expenditures of \$150,169, \$138,749 and \$400,077 in these three funds, a total of \$688,995.

"If you will remember last summer, I said that revenues would be above the budget estimates and that the electric rate increase was not needed to finance a pay raise for city employees. These figures show that I was correct and that 1953 revenues will run nearly \$700,000 above budget estimates. But instead of having that money left over to finance next year's city business, the City Manager is spending it, in violation of the City Charter.

"When I attempted to call this to the Council's attention,

I was subjected to a stream of abuse from a councilman who, at election time, sounded like he was interested in seeing the City Charter followed.

"The figures are there. They speak for themselves. If the City Manager's own figures on 1953 spending are correct, then he and his Finance Director have flagrantly violated the Charter by spending nearly \$700,000 which they were not authorized to spend. If that money were left over, as it should have been, the 1954 fiscal problems would be far less severe.

"Name calling won't erase the fact that nearly \$700,000 of illegal spending is taking place. The Council made a few small additional appropriations during the year, but did not authorize such amounts as these. The Manager said, when I raised the question and before another Councilman attacked me for daring to question the Manager, that it had been the custom for him to spend all that came in.

"Ours is a government of laws, not of men. I have little hope that the laws will be followed by this administration, but I am filing this information in the minutes of the council meeting to show that one council member, at least, advocated that the City Charter be obeyed, and that the City Manager not be turned loose to spend without any control or supervision by the elected representatives of the people."

Emma Long"

The Council received notice that the following zoning applications had been referred to the Planning Commission:

C. B. MAUFRAIS	E. side S. Lamar, so. Bluff St. intersec- tion	From "C" Commercial 2nd Hgt. & Area To "C-1" Commercial 6th Hgt. & Area
MURRAY OWENS	1411 Bob Harrison	From "A" Residence To "C" Commercial
J. B. (Bert) FORD	SE Cor. Manchaca Rd & Ft. View Road	From "A" Residence To "C-1" Commercial
L. L. McCANDLESS	1215 So. Congress	From "C-1" Commercial To "C-2" Commercial
BERT P. BROWN	Sw Cor. Lawnmont & Burnet Road	From "A" Residence and 1st Height & Area To "C" Commercial and 6th Height and Area
A. E. FIEDLER	4105 Manchaca Rd.	From "A" Residence and 1st Height and Area To "C" Commercial and 6th Height and Area

F.J. RENZ, H.M. REESE 400, 402, 404 & 406
MRS. SOPHIE WEIL- East 10th Street
BACHER & BERT
CABINESS

From "B" Residence and
2nd Height and Area
To "C" Commercial and
3rd Height and Area

There being no further business the Council adjourned at 12:26 P.M.,
subject to the call of the Mayor.

APPROVED:

O. A. M. Eady

Mayor

ATTEST:

Elvie Hoosley

City Clerk